

IN THE COURT OF COMMON PLEAS
LICKING COUNTY, OHIO

CLERK COMMON
PLEAS COURT
LICKING CO. OHIO

2019 JUN 24 PM 2:07

GARY R. WALTERS
CLERK

JASMINE CAREY
6485 Notting Hill Trail Drive
Canal Winchester, Ohio 43110

Plaintiff,

v.

AMAZON.COM, INC.
11999 National Rd SW
Etna, OH 43062

Defendant.

:
: Case No. 19CV0647
:
: Judge TMM
:
: JURY DEMAND ENDORSED
: HEREON
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:
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COMPLAINT

Now comes Plaintiff Jasmine Carey ("Carey"), by and through her undersigned counsel, and herein states the following Complaint against Amazon.com, Inc. ("Amazon").

PARTIES

1. Plaintiff is a natural person residing in Franklin County, Ohio.
2. Upon information and belief, Defendant Amazon is a Delaware corporation with its principal place of business in Seattle, Washington.
3. At all relevant times, Amazon employed four or more employees within the state of Ohio.

JURISDICTION AND VENUE

4. Jurisdiction is proper in this Court because the amount in controversy exceeds \$15,000.

5. Venue is proper in this Court because the Amazon facility at which Ms. Carey was employed is in Licking County and the acts and omissions alleged herein took place in Licking County.

FACTS COMMON TO ALL CLAIMS

6. Ms. Carey, an African American female who was hired by Amazon in June 2018 and left her employment on or about March 20, 2019.

7. She was diagnosed with carpal tunnel syndrome in approximately 2017 but it did become aggravated until sometime after she began working at Amazon.

8. She began her career at Amazon in an area called “stow,” which requires, among other things, repetitive hand and wrist movements while marking boxes with a “gun.”

9. Those repetitive movements aggravate her carpal tunnel syndrome.

10. In the fall of 2018, she sought accommodations under the Americans with Disabilities Act (“ADA”), specifically moving to an area of the Amazon facility that did not require repetitive hand and wrist movements.

11. She was told accommodations had to be requested through the human resources department.

12. The HR department informed her that she needed more documentation from her doctor before she could receive accommodations and she was placed on short-term disability (“STD”) while she gathered that documentation.

13. She returned to Amazon on or about December 10, 2018 and was granted the accommodation of working on the loading dock, which does not require repetitive hand and wrist movements.

14. Almost immediately after her return, her immediate supervisor Andra Peck began questioning her about her accommodations, seemingly believing Ms. Carey should not have been given the accommodations.

15. In addition, Peck began separating her from another African American female employee, with whom Ms. Carey was friends, which seems to have been started because Peck was upset that a male employee whom she was dating was showing attention to Ms. Carey's friend.

16. On those rare occasions when Ms. Carey and the other employee were assigned to the same area, Peck also began making racist and other derogatory comments to them.

17. The separation finally culminated in the other female employee being assigned to stow and Ms. Carey being left at her assignment on the dock.

18. While Ms. Carey was working with other employees on the dock, Ms. Carey kept asking to get trained in other areas and kept getting denied.

19. After continuing to get assigned to "sticker," which requires repetitive hand and wrist movements, she began being harassed by "Melissa," an assistant manager who was assigned as a dock clerk.

20. That worker started purposely not doing her assigned task with stickers to make Ms. Carey's job harder and make her fall behind.

21. Ms. Carey raised this issue with another assistant manager and her Operations Manager and they did nothing.

22. It eventually escalated leading to Ms. Carey having words with her Operations Manager in front of Melissa, where she told the manager she was not going to going to Melissa's job too because it made fall behind in hers.

23. The Operations Manager told Ms. Carey to tell Melissa in front in front of her own supervisor, which was Peck.

24. Soon after, Ms. Carey went to Peck's supervisor to complain that Peck was showing favoritism to Melissa.

25. That individual did nothing except speak to Peck about it but only to inform her about the complaint. Nothing was done to address the favoritism.

26. Despite Ms. Carey's complaints, Peck kept assigning her to that task of stickering, working with Melissa

27. After being rebuffed in her efforts to stop the harassment, Ms. Carey put up everything out there on the employee comment board, including comments about Peck's personal involvement with male employee and how he and handful of people are favored.

28. She also included that the favored employees were Caucasian.

29. She then met with HR and the complaint was assigned to someone and she was told they would investigate but nothing changed.

30. She reported to HR that nothing had changed and but was basically met with shoulder shrugs.

31. Frustrated, Ms. Carey continued put the information up on the employee comment board, and soon after, one of Peck's friends, who operated heavy equipment on the dock, almost hit Ms. Carey.

32. Ms. Carey reported the incident to safety, but nothing was done.

33. Not long after another white employee, who Ms. Carey had expressed was lazy was assigned to work with me had a loud disagreement.

34. Later that day, he tried to push pallets with trash into her.

35. She reported this and again, nothing was done.

36. She then put these incidents and the dock favoritism I kept on the warehouse comment board.

37. After another incident in which another white male looked right at her and almost mowed her down with forklift and was still on equipment, Ms. Carey eventually had a meeting with the HR Manager and the building manager.

38. By this time, Ms. Carey had had more words with Melissa, who shoulder checked Ms. Carey. That incident was also reported.

39. She also had words with Peck about how Melissa refused to do her job and Ms. Carey was reassigned to a task she had only been shown once.

40. Because the work she was doing was aggravating her carpal tunnel syndrome, she went back to HR to again address her ADA accommodations.

41. She was told that she needed to get her accommodations reevaluated because they were expired.

42. She resubmitted the proper paperwork and returned to work still waiting on answer to accommodation.

43. On a day she was working overtime, she was sent to an area that made her wrists and hands hurt.

44. She then went to her supervisor's operations manager, despite him not helping *before to reassign her tasks.*

45. After waiting a few minutes he said she could not go to her regularly assigned area, the auger, because no one was assigned there, and there were three at the time.

46. She was sent home without pay.

47. She then complained about lost wages and switching departments.

48. Management switched her shift but she still had to work with Peck.

49. HR finally got back to Ms. Carey about accommodations, which were denied because of doctor's restrictions.

50. HR told her there was nowhere for her to work under those restrictions, which Ms. Carey believes was untrue.

51. As a result, she was to be placed on STD, effective Sunday, April 14, 2019.

52. On Friday April 12, 2019, she reported for her assigned overtime shift.

53. She also worked on Saturday, April 13th.

54. After being placed on STD, she found out that the start of the STD was back dated to April 12th and Amazon refused to pay her for the hours worked on Saturday.

55. She also discovered after receiving the paperwork that the company placed her on STD just 43 hours before she would have qualified for FMLA leave.

56. The company also told her that a week of the STD she was being offered while the company waited on more paperwork from doctor would be unpaid, so she was forced to take a week unpaid leave.

57. In addition, because the company started her leave early, any accrued paid time she had coming was not added to her account.

58. Based on the above, Ms. Carey believes she was discriminated against for requesting accommodations under the ADA and also retaliated against after those accommodations were granted.

59. Based on the above, Ms. Carey also believes she was discriminated against because she is African American and she was also retaliated against after complaining about that discrimination.

COUNT I
DISCRIMINATION AND RETALIATION ORC CHAPTER 4112

60. Ms. Carey was an “employee” as that term is defined in R.C. 4112.

61. Amazon was an “employer” as that term is defined in R.C. 4112.

62. Ms. Carey was subject to race discrimination, as addressed above.

63. Ms. Carey was retaliated against when she complained about the racial discrimination.

64. For their violations of R.C. 4112, Defendant is liable to Ms. Carey for lost pay and benefits, compensatory and punitive damages, and attorney fees and costs, in an amount to be determined at trial, but in any event, not less than \$25,000 plus the equitable remedies of reinstatement and/or front pay.

COUNT II
FAILURE TO ACCOMMODATE UNDER THE ADA AND RETALIATION

65. Ms. Carey restates and reasserts all the allegations set forth above, as if fully rewritten herein.

66. Amazon’s failure to appropriately provide accommodations under the ADA is a violation of the ADA.

67. Amazon’s retaliation against Ms. Carey for requesting and receiving accommodations under the ADA is also a violation under the ADA.

68. As a direct and proximate cause of Defendant’s actions, Ms. Carey has been damaged in an amount more than \$25,000, which will be proven at trial.

WHEREFORE, Ms. Carey demands the following:

1. As to Count I, lost pay and benefits, compensatory and punitive damages, and attorney fees and costs, in an amount to be determined at trial, but in any event, not less than \$250,000 plus the equitable remedies of reinstatement and/or front pay; and
2. As to Count II, an amount in excess of \$25,000, to be proven at trial, plus court costs, attorney fees, pre- and post-judgment interest and any and all other relief to which Ms. Carey is entitled in law and in equity, including but not limited to compensatory, consequential and punitive damages.

Respectfully submitted,

DEWITT LAW, LLC



Michael W. DeWitt (0066896)
4200 Regent Street, Suite 200
Columbus, Ohio 43219
(614) 398-2886
(614) 370-4552
(614) 750-1379 (facsimile)
mdewitt@dewittlawco.com
Attorney for Plaintiff

JURY DEMAND

Ms. Carey demands a that a jury decide all claims in this matter triable to a jury.



Michael W. DeWitt (0066896)

IN THE COURT OF COMMON PLEAS
LICKING COUNTY, OHIO

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LICKING CO. OHIO

2019 JUN 24 PM 2:07

GARY R. WALTERS
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JASMINE CAREY
6485 Notting Hill Trail Drive
Canal Winchester, Ohio 43110

Plaintiff,

v.

AMAZON.COM, INC.
11999 National Rd SW
Etna, OH 43062

Defendant.

:
: Case No.

:
: Judge

19CV0647
TMM

INSTRUCTIONS FOR SERVICE

To the clerk:

Please serve the Defendants in the within lawsuit by Certified Mail, return receipt requested, as follows:

AMAZON.COM, INC.
11999 National Rd SW
Etna, OH 43062

Respectfully submitted,



Michael W. DeWitt (0066896)
DeWitt Law, LLC
4200 Regent Street, Suite 200
Columbus, OH 43219
(614) 398-2886
(614) 750-1379 (fax)
mdewitt@dewittlawco.com
Attorney for Plaintiff



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2019 CV 00647/ 3153567
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NEWARK, OH 43055

CLERK COMMON
PLEAS COURT
LICKING CO. OHIO

2019 JUN 24 PM 2:31

GARY R. WALTERS
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SUMMONS

JASMINE CAREY
PLAINTIFF (S)

-VS

NO. 2019 CV 00647 / 3153567

AMAZON.COM INC
DEFENDANT (S)

TO THE FOLLOWING NAMED DEFENDANT:

AMAZON.COM INC
11999 NATIONAL ROAD SW
ETNA OH 43062

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN LICKING COUNTY COURT OF COMMON PLEAS.
LICKING COUNTY COURTHOUSE, NEWARK, OHIO BY:

JASMINE CAREY
6485 NOTTING HILL TRAIL DRIVE
CANAL WINCHESTER OH 43110

PLAINTIFF(S). A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF THE
PLAINTIFF'S ATTORNEY IS

MICHAEL W DEWITT
DEWITT LAW LLC
4200 REGENT ST SUITE 200
COLUMBUS OH 43219

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S ATTORNEY OR UPON THE
PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-
EIGHT DAYS AFTER SERVICE OF THIS SUMMONS ON YOU. EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A COPY OF THE ANSWER ON THE
PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED AGAINST YOU FOR THE
RELIEF DEMANDED IN THE COMPLAINT.

GARY R. WALTERS, CLERK
COURT OF COMMON PLEAS
LICKING COUNTY, OHIO

BY:  DEPUTY



CLERK OF COMMON PLEAS CT.
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GARY R. WALTERS, CLERK

2019 JUL -9 PM 3:05

2019CV647

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